

(2020) 07 PAT CK 0094

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 23680 Of 2019

Pradeep Kumar Goit @ Pradeep
Kumar Goait

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: July 7, 2020

Acts Referred:

- Bihar Service Code, 1952 - Rule 96
- Bihar Government Servants (Classification, Control And Appeal) Rules, 2005 - Rule 10

Hon'ble Judges: Anjani Kumar Sharan, J

Bench: Single Bench

Advocate: Shashi Bhushan Kumar Mangalam, Vijay Kumar, Kameshwar Prasad Gupta

Final Decision: Disposed Of

Judgement

Heard learned counsel for the petitioner and learned counsel for the State through video conferencing.

The petitioner has approached this Court for the following reliefs:-

(i) For the direction to respondents for vacate/revoke suspension of this petitioner vide memo no.386 dated 20.10.2018 issued with the signature of

Deputy Development cum Chief Executive Officer Zila Parishad, Madhubani (Respondent No.2).

(ii) For issuance of writ in the nature of certiorari for quashing the departmental proceeding against this petitioner issued by the respondent no.2 vide

memo no.451/Z.P. dated 30.11.2018 without providing evidence.

(iii) For the direction to respondents to give full salary for the period of suspension i.e. 20.10.2018 to till date revoke the suspension of this petitioner.

(iv) For any other relief/reliefs the petitioner is entitled.

Learned counsel for the petitioner submits that a departmental proceeding is going on against the petitioner for defalcation of certain government

money as Head Clerk of Zila Parishad, Madhubani. He further submits that during course of the departmental proceeding, the petitioner demanded

certain documents from the concerned officer which were not made available to him. He also submits that as per the provision of Rule 96 of the Bihar

Service Code as well as Rule-10 of the Bihar CCA Rules, 2005, the petitioner is entitled to get subsistence allowance.

On the other hand, learned counsel for the respondent no.2 submits that the department proceeding is going on and is likely to be concluded in near

future.

Without going into the merits of the case, with consent of both the parties, this writ petition is being disposed of with a direction to respondent no.2-

Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Madhubani to conclude the department proceeding as expeditiously

as possible preferable within a period of nine months from the date of receipt/production of a copy of this order before him, failing which the

suspension of the petitioner would automatically revoke. He is also directed to furnish the documents as demanded by the petitioner and to pay

suspension allowance as per the provision of Rule 96 of the Bihar Service Code as well as Rule 10 of the Bihar CCA Rules, 2005. It is made clear

that respondent no.2 shall be solely responsible for non-compliance of this order.

With this observation and direction, this writ petition stands disposed of.